



MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

January 5, 2018

The Hon. Thomas M. Middleton, Chair
Senate Finance Committee
3 East Senate Office Building
Annapolis, Maryland 21401

The Hon. Shane E. Pendergrass, Chair
House Health and Government Operations Committee
241 House Office Building
Annapolis, Maryland 21401

Re: Prescription Drug Monitoring Program House Bill 437, Chapter 147 (2016), Section 8
Contingency Determination

Dear Chairs Middleton and Pendergrass:

Thank you for the opportunity to address the Section 8 contingency of House Bill 437 (2016), Chapter 147 of the 2016 Laws. The Maryland Department of Health (the “Department”) has been working toward registering all controlled dangerous substance (CDS) prescribers and pharmacists with the Prescription Drug Monitoring Program (PDMP) as required by Health-General Article § 21-2A-04.1(A)(B). As previously reported, the Department has used multiple communication channels to inform providers affected by this mandate of the requirement to complete PDMP registration. In November 2017, the Department mailed letters of warning to CDS prescribers and pharmacists who had not yet met the PDMP registration requirement. Having provided due notification of this requirement, the next step in the process is to mandate PDMP registration as part of the process for prescribers to obtain a CDS registration as stated in Section 1 of HB 437.

Through a change to Criminal Law Article, §5-305, HB437 Section 1 requires licensed healthcare practitioners to be registered with the PDMP before obtaining a new or renewal controlled dangerous substance (CDS) registration from the Department. Previously, the Department could not implement this provision because Section 8 of HB 437 required that activation of Section 1 be contingent on the Department’s determination, made in consultation with the PDMP Advisory Board, the Joint Committee on Behavioral Health and Opioid Use Disorders (the “Joint Committee”) and stakeholders, that the PDMP registration requirement will not adversely affect or delay the issuance of a registration and the CDS registration process can deliver registrations in a timely manner. Based on the consultation with these various stakeholders, the Department has determined that the Section 8 contingency is now satisfied, and shall begin mandating PDMP registration for CDS prescribers applying for a new or renewed CDS Registration as required in Section 1 of HB 437.

In addition to the letter to the Joint Committee, the Department also requested comment from the following stakeholders: the Maryland State Medical Society; the Maryland Nurses Association; the Maryland Nurse Practitioner Association; the Maryland Pharmaceutical Society; the Maryland Society of Health System Pharmacists; the American Society of Consultant Pharmacists; the American Society of Consultant Pharmacists; the Maryland Academy of Family Physicians; the Maryland Society of Eye Physicians and Surgeons; the Maryland Society of Addiction Medicine; the American Academy of Pediatrics, Maryland Chapter; the American College of Physicians, Maryland Chapter; the Maryland Chapter, American College of Cardiology; the Maryland Academy of Physician Assistants; the Maryland Psychiatric Society; the Maryland Hospital Association; the Maryland Podiatric Medical Association; the Maryland State Dental Association; the Maryland Pharmacist Association; Maryland Institute for Emergency Medical Services Systems; and the Maryland Veterinary Medical Association. In addition to those industry and community stakeholders, the Department also contacted the Board of Physicians; Board of Pharmacy; Board of Nursing; State Board of Dental Examiners; Board of Podiatric Medical Examiners; and the Board of Veterinary Medical Examiners for their input and comments.

The Office of Controlled Substances Administration (OCSA) also presented the plan to the following stakeholders and received their input: the Advisory Board on Prescription Drug Monitoring (PDMP Advisory Board); the Opioid Operational Command Center; all Local Health Directors; the Office of Health Care Quality Assisted Living Committee; the Retired Pharmacists Association; the East Coast Regional CDS Coalition (ECRCC); and the National Association of Drug Diversion Investigators (NADDI).

Since July 1, 2017, OCSA has verified PDMP registration for all CDS applications that have been processed. While to date, all CDS registrations have been issued regardless of PDMP registration status, applicants who are not registered with PDMP are notified of the requirement under State law and directed to the CRISP registration website to register with PDMP. The current turnaround time for CDS application processing, even with the added step of checking PDMP registration status, remains well within the average time frame in FY2017, which was 15-20 days for establishments and 7-8 days for practitioners (see Table 1 on the following page). To address stakeholder concerns, the Department instituted a well-received electronic CDS registration renewal process, positively noted by stakeholders, which it will continue to monitor to ensure no adverse effects on registration, and makes efforts to address individual concerns as they are presented to the Department on an ongoing basis.

Table 1. Turnaround time and number of CDS registrations issued from July 1, 2017 to Oct. 31, 2017

Type of Application	No. of Registrations Issued	07/01/17 – 10/31/17 Turnaround Time
Establishments – New Registrations	61	13 days
Establishments – Renewal Registrations	286	20 days
Practitioners – New Registrations	1046	8 days
Practitioners – Renewal Registrations	4815	7 days

Based on the comments received supporting the PDMP registration mandate and demonstrating that the mandate poses no significant adverse effects or impact on the CDS registration process, the Department reports its determination to the Department of Legislative Services, the Senate Finance Committee, and the House Health and Government Operations Committee that all contingencies enumerated in HB 437, Section 8 are satisfied.

The Department intends to activate enforcement of Section 1 of HB437 starting Feb. 15, 2018. This time lag will provide sufficient time to duly inform affected providers through existing communication channels.

With the contingency met and registration mandated, the OCSA will issue and/or return new or renewal CDS registration applications to applicants who have not registered for the PDMP as follows:

- *Registrants who register by mail using paper applications:*
 - Those already registered with the PDMP will receive CDS registration certificates in the mail.
 - Those not registered with the PDMP will have the application and check returned via mail with a notification of the requirement and the link to register with the PDMP.

- *Registrants who register online:*
 - Those already registered with the PDMP will receive CDS registration certificates in the mail.
 - Those not registered with the PDMP will be linked to the PDMP website to register and can return to the CDS application web site to complete the process after PDMP registration approval.

Thank you for your consideration of this information. If you have any questions, please contact Webster Ye, Deputy Chief of Staff, at 410-767-6480 or webster.ye@maryland.gov.

Sincerely,



Dennis R. Schrader
Secretary

cc:

The Hon. Katherine Klausmeier

The Hon. Eric M. Bromwell

Co-Chairs, Joint Committee on Behavioral Health and Opioid Use Disorders

Barbara J. Bazron, Ph.D., Deputy Secretary, Behavioral Health Administration

Howard Haft, M.D., Deputy Secretary, Public Health Services

Clay Stamp, Executive Director, Opioid Operational Command Center

Christine Farrelly, Executive Director, Board of Physicians

Deena Speights-Napata, Executive Director, Board of Pharmacy

Karen Evans, Executive Director, Board of Nursing

Tony Torain, Executive Director, State Board of Dental Examiners

Eva Schwartz, Executive Director, Board of Podiatric Medical Examiners

Vanessa Orlando, Executive Director, Board of Veterinary Medical Examiners

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